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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-00014 SI
	)	
Plaintiff,	)	
	)	
v.	)	<del>[PROPOSED]</del> ORDER OF DETENTION
	)	PENDING TRIAL
ROBERT SCHENK,	)	
	)	
Defendant.	)	

The United States moved for the pretrial detention of the defendant Robert Schenk at the defendant's initial appearance in this District on March 4, 2011. The matter came before the Court on March 9, 2011, for a hearing on the United States' motion. The defendant Robert Schenk was present and represented by Assistant Federal Public Defender Loren Stewart. Assistant United States Attorney Kyle Waldinger appeared for the United States. Pretrial Services submitted reports previously prepared in the Central District of California to the Court and to the parties, and a representative of Pretrial Services was present at the hearing.

At the hearing, the government continued to seek detention; the defendant opposed that motion, and sought pretrial release on conditions. Proffers and arguments regarding detention and release were submitted by the parties at the hearing.

~~[PROPOSED]~~ DETENTION ORDER  
CR 11-00014 SI

1           Upon consideration of the facts, proffers, and arguments presented, the Court finds by a  
2 preponderance of the evidence that no condition or combination of conditions of release at this  
3 time will reasonably assure the appearance of the defendant as required. Accordingly, the Court  
4 concludes that the defendant must be detained pending trial in this matter.

5           This Order supplements the Court's findings at the detention hearing and serves as  
6 written findings of fact and statement of reasons as required by 18 U.S.C. § 3142(i)(1).

7           The Court finds that the defendant has, and has had, no income, and that the home in  
8 which he has been living in the Los Angeles area has been foreclosed upon by the mortgage  
9 holder. Coupled with these facts are the allegations in this case of substantial international travel  
10 by the defendant in the past, along with the defendant's significant personal and business ties to  
11 India and personal ties to Germany.

12           In reaching its finding, the Court also relies upon the fact that, on the heels of being  
13 interviewed in November 2010 by FBI agents regarding his activities, the defendant told two of  
14 the alleged victims in this case that he was going to go to India. Along with this, the Court notes  
15 that there are questions as to whether the defendant misled Pretrial Services in the Central  
16 District of California regarding his upcoming international travel plans when he was arrested  
17 there in early January 2011.

18           Finally, given the allegations of the Indictment and based on the proffer made by the  
19 government, the Court has concerns about the defendant taking advantage of the financial  
20 resources of other individuals, which concerns in turn relate to whether an appropriate secured  
21 bond may be fashioned in this case.

22           Accordingly, based on all of the facts set forth above, the Court finds by a preponderance  
23 of the evidence that no condition or combination of conditions of release will reasonably assure  
24 the appearance of the defendant as required.

25           Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

26           (1) the defendant be, and hereby is, committed to the custody of the Attorney General  
27 for confinement in a corrections facility separate, to the extent practicable, from persons  
28 awaiting or serving sentences or being held in custody pending appeal;

(2) the defendant be afforded reasonable opportunity for private consultation with his counsel; and

(3) on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

Dated: March 11, 2011

HON. JOSEPH C. SPERO  
United States District Judge

